IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9279 of 2005

Between:

Venna Kasi Reddy S/o. Late Poli Reddy, Indian,
Bastavaripeta Mandal, Prakasam District.

..... PETITIONER

AND

1 The Commissioner of Panchayat Raj and Rural Employement, Government of Andhra Pradesh,
Urdu Hall lane, Himayatnagar, Hyderabad.
2 The District Collector (Panchayat Wing) Prakasam District at Ongole.
3 The District Panchayat Officer, Prakasam District at Ongole.
4 The Panchayat Secretary, Pedda Obinenipalli Gram Panchayat, Pedda Obinenipalli,
Bastavaripeta Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly, one in the nature of WRIT OF MANDAMUS declaring the action of the respondent Nos. 1 to 3 herein in not initiating disciplinary proceedings against the 4th respondent on the representations dt. 18-12-2004, 16-3-2005 and 23-3-2005 made by the petitioner, as illegal, arbitrary and against the provisions of the A.P Panchayat Act 1994 and consequently direct the respondents Nos. 1 to 3 herein to take disciplinary action against the 4th Respondent for his failure to follow the service conditions and duties immediately.

Counsel for the Petitioner:MR.KANAKAMEDALA RAVINDRA KUMAR

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

ORDER:

This writ petition is filed aggrieved by the alleged action of the respondents 1 to 3 in not initiating disciplinary proceedings against the fourth respondent-Panchayat Secretary, Pedda Obinenipalli Gram Panchayat, on the representations made by the petitioner dated 18.12.2004, 16.03.2005 and 23.03.2005.

The 4th respondent is working as the Panchayat Secretary of Pedda Obinenipalli Gram Panchayat. The petitioner, who is the Sarpanch of the said Gram Panchayat alleges that the 4th respondent failed to discharge his official duties and that he failed to implement the resolutions passed by the Gram Panchayat and acted in violation of the service conditions. Hence the petitioner made several representations requesting the respondents 1 to 3 to initiate disciplinary action against the 4th respondent, but they failed to respond. Hence this writ petition.

On the face of it the dispute raised is with respect to conditions of service of respondent No.4 who is in State service. Hence this writ petition, filed under Article 226 of the Constitution of India, is not maintainable and it is for the petitioner to work out the appropriate remedy before the Tribunal constituted under the Administrative Tribunals Act, 1985.

Accordingly, granting leave and liberty to the petitioner to work out the appropriate remedy, the writ petition is disposed of. No costs.

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25.04.2005

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To

1 The Commissioner of Panchayat Raj and Rural Employement,
Government of Andhra Pradesh,
Urdu Hall lane, Himayatnagar, Hyderabad.

2 The District Collector (Panchayat Wing) Prakasam District at Ongole.
3 The District Panchayat Officer, Prakasam District at Ongole.
4 The Panchayat Secretary, Pedda Obinenipalli Gram Panchayat, Pedda Obinenipalli,
Bastavaripeta Mandal, Prakasam District.

5 Two C.Cs to the G.P. for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT)

6 2 CD copies.